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Himanshu S. Amin Amin & Turocy, LLP National City Center, 24th Floor 1900 East Ninth Street Cleveland, OH 44114			MISTRY, O NEAL RAJAN	
			ART UNIT	PAPER NUMBER
			2173	
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Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/055,538	WONG ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	O'Neal R Mistry	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 12 January 2002.

2a) This action is **FINAL**.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-10,15-20,30-40 and 43-47 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-10,15-20,30-40 and 43-47 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) 6-10,11-14,21-29,41,42,48-51 are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 23 January 2002 is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

## DETAILED ACTION

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claims 1-10, 15-20, 30-40, and 44-47 are drawn to video segment editing classified in class 345, subclass 723.
- II. Claims 25-29, and 48-49 are drawn to video traversal control classified in class 345, subclass 720.
- III. Claims 11-13, 21-24, 41-42, 50-51 are drawn video interface classified in class 345, subclass 719.

The inventions are distinct, each from the other because of the following reasons:

Inventions group 1 and group 2 are related as combination and subcombination.

Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because has a different mode of operation for scene selector that searches through a database and organizes the scenes. The subcombination has separate utility such as a different mode of operation to display the scenes of a playlist, and allows user feedback commands to update the playlist.

Inventions group 1 and group 3 are related as combination and subcombination.

Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for

patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because has a different mode of operation for scene selector that searches through a database and organizes the scenes. The subcombination has separate utility such as a different mode of operation for retrieving scenes and identifying the relationship to create a playlist.

Inventions group 2 and group 3 are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because a different mode of operation to display the scenes of a playlist, and allows user feedback commands to update the playlist. The subcombination has separate utility such as a different mode of operation for retrieving scenes and identifying the relationship to create a playlist.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.

During a telephone conversation with Applicants' Attorney, Himanshu S. Amin on December 1, 2004 a provisional election was made without traverse to prosecute the

invention of group 1 claims 1-10,15-20, 30-40, and 44-47. Affirmation of this election must be made by applicant in replying to this Office action. Claims 25-29, and 48-49, group 2, and 11-13, 21-24, 41-42, 50-51 group 3, withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 45-47 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

In claims 45, 46, & 47 are only data structure embodied on a “memory readable media” (hereafter, computer readable medium), which does not serve a particular function, nor provide functionality to obtain any type of recited utility, namely the “executable instructions” recited in the preamble. Further, the computer readable medium containing the data structure(s) do not fall within one of the five categories of statutory subject matter, namely, new and useful process, machine, manufacture, composition of matter, or any new and useful improvement thereof. The claim(s) are directed towards a data structure per se, which is non-statutory in nature. See MPEP

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§2106(IV)(B)(1). When nonfunctional descriptive material is recorded on some computer-readable medium, it is not statutory since no requisite functionality is present to satisfy the practical application requirement. .

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1-6, 8-10, 43, 44 are rejected under 35 U.S.C. 102(e) as being anticipated by Jain et al (U.S. Patent Number 6,567,980).
2. In regards to claim 1, Jain discloses a system that facilitates non-linear viewing of media, the system comprising:

a scene selector that scans a digitized media and selects a scene in the digitized media (col. 2 lines 10-19) [The cataloger transforms video into a powerful data type that is both compelling and profitable in both Web and client-server environments. Using advanced media analysis algorithms that automatically watch, listen to and read a video stream, the multimedia cataloger intelligently extracts metadata-keyframes, time codes, textual information and an audio

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profile from the video in real-time.]. This means that the system is selecting scenes of importance by user preference;

a metadata generator that produces metadata associated with the selected scene and relates the metadata to the selected scene (col. 2 lines 6-9) [In one aspect of the invention, there is a media cataloging and media analysis application which performs real-time, or non-real-time, indexing and distribution of video across an enterprise.]; and

an organizer that places the selected scene and the metadata in a media store to facilitate non-linear viewing of one or more scenes (col. 2 lines 20-23) [This information becomes the foundation of a rich, frame-accurate index that provides immediate, non-linear access to any segment of the video.];

3. In regards to claim 2, Jain states the scene selector selects a scene based on at least one of, face recognition, item recognition, voice recognition, color recognition, mood recognition and theme recognition (col. 2 lines 14-19) [Using advanced media analysis algorithms that automatically watch, listen to and read a video stream, the multimedia cataloger intelligently extracts metadata-keyframes, time codes, textual information and an audio profile from the video in real-time.].

4. In regards to claim 3, Jain discloses the scene selector selects a scene based, at least in part, on an input from a user (col. 8 lines 42-46) [A set of output filters 484 are installed during system start-up. These registration

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processes, as well as user input and output functions 550, 554, are further described in conjunction with FIG. 11 below.]

5. In regards to claim 4, Jain states at least one of the face recognition, item recognition, voice recognition, color recognition, mood recognition and theme recognition is adapted by a machine learning technique based, at least in part, on the input from the user (Table 1 col. 7; col. 7 lines 7-12) [Audio Class Enumerated Speech, Silence, Music, Applause, Track Classes Siren, etc..., each spanning a time interval when that classification was valid Speech Track Text fragment Each text fragment spans a time interval Keyword Track Word (text) keyword utterance spans a short (1/2 sec) time interval Speaker ID Enumerated Identifiers of individuals whose Track Classes speech is recognized... each Speaker ID spans a time interval when that speaker was speaking Clip Track Label Set (user Different Label Set schemas can be defined set of used in different applications.) [That is, unique metadata can be defined and added to the Video Cataloger 110 by a user. Custom metadata tracks could include information provided in collateral data to the video information.]. The examiner interprets that these metadata tags allows the user to search digital videos, which are inputted by the user. Also, the user is allows to create custom tags for quicker searches, and creating a custom tags allows the computer to adapt a new learning technique.

6. In regards to claim 5, Jain discloses the metadata generator produces at least one of, a date, a time, a length, a subject, a mood, a theme, a color, a person name, a set of person names, an item name and a set of item names associated with the scene (col. 6 lines 2-5; col. ) [The Vidsync daemons also are responsible for returning certain pieces of information to the Cataloger, such as the actual start time, and a digital video asset ID or name for later use].

7. In regards to claim 6, Jain states method that facilitates non-linear viewing of media, comprising:

selecting a scene from a set of digitized media (col. 6 lines 18-23 & col. 4 lines 38-40) [When a piece of metadata (such as a keyframe) is used to index the digital video, an absolute time from the beginning of the digital video is computed by adding the delta-time to the time-code of the metadata.] & [Finally, at the bottom of the window 170 is a timeline 180 that depicts the total time of the capture session, with a highlighted section corresponding to the currently selected range of keyframes];

annotating the selected scene with metadata (col. 7 lines 28-32; col. 8 lines 60-64) [During metadata capture, the user may mark video clips and annotate them. This input 552 is captured by the GUI Input Capture element 550.] [User defined annotations may also exist here. Each of the metadata tracks is a collection of data

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objects 406, 408, 410, 412, etc. that hold the metadata for a specific feature extractor,]. This allows the user to writes a description of a keyframe, or selected a metadata with a description; and

storing the annotated scene to facilitate non-linear retrieval of the annotated scene (col. 2 lines 20-23) [This information becomes the foundation of a rich, frame-accurate index that provides immediate, non-linear access to any segment of the video.].

8. In regards to claim 8, Jain states selecting the scene from the set of digitized media comprises:

automatically scanning one or more scenes from the set of digitized media recognition (col. 2 lines 15-20) [Using advanced media analysis algorithms that automatically watch, listen to and read a video stream, the multimedia cataloger intelligently extracts metadata-keyframes, time codes, textual information and an audio profile from the video in real-time.]. The examiner interprets that automatically watching and listening is done by the system; and

automatically selecting the scene based on at least one of face recognition, item recognition, voice recognition, color recognition, mood recognition and theme recognition (col. 2 lines 15-20) [Using advanced media analysis algorithms that automatically watch, listen to and read a video stream, the multimedia cataloger intelligently extracts metadata-keyframes, time codes, textual information and an audio profile from the

video in real-time.]. The examiner interprets by that the system after automatically listening and watching also automatically selects keyframes.

9. In regards to claim 9, Jain discloses annotating the selected scene with metadata comprises associating at least one of, a date, a time, a length, a subject, a mood, a theme, a color, a person, a set of people, an item and a set of items with the selected scene (col. 6 lines 2-5; col. 8 lines 60-63 ) [The Vidsync daemons also are responsible for returning certain pieces of information to the Cataloger, such as the actual start time, and a digital video asset ID or name for later use.] [During metadata capture, the user may mark video clips and annotate them. This input 552 is captured by the GUI Input Capture element 550.].

10. In regards to claim 10, Jain states storing the annotated scene to facilitate non-linear retrieval of the annotated scene comprises storing the annotated scene in at least one of, a database and a datacube (col. 3 lines 60-67) [Metadata Server 130: may be as simple as a file system containing hypertext markup language (HTML) files, or as complex as a relational database supporting a client-server application environment for media management .].

11. In regards to claim 43, Jain discloses a data structure that facilitates non-linear viewing of media items, the data structure comprising:  
a first field that holds a media item (Figure 2 item 176); and

a second field that holds a metadata item related to the media item, where the metadata facilitates at least one of identifying the media item, locating the media item and locating a related media item (Figure 2 item 178).

12. In regards to claim 44, Jain states in a computer system having a graphical user interface that comprises a display and a selection device, a method of providing and selecting from a set of graphical user interface elements on the display, the method comprising:

retrieving a set of graphical user interface elements, each of the interface elements representing an action associated with facilitating the non-linear display of media items (col. 2 lines 20-24) [This information becomes the foundation of a rich, frame-accurate index that provides immediate, non-linear access to any segment of the video.];

displaying the set of interface elements on the display (Figure 2);  
receiving an interface element selection signal indicative of the selection device  
selecting a selected entry from the set of interface elements (col. 4 lines 26-28) [A panel 172 displays the live video being digitized, with play, stop, etc. controls that interact remotely with the analog source via a deck controller 240 (FIG. 3).]; and

in response to the interface element selection signal, initiating processing to facilitate non-linear viewing of media based, at least in part, upon stored metadata (col. 4 lines 33-35) [panel 184 displays the user-defined clip annotations,

created by marking in- and out-points. The columns 186 and 188 display the in- and out-time codes for the marked clip,].

13. Claims 45-47 are rejected under 35 U.S.C. 102(e) as being anticipated by Morris (U.S. Patent Application: 2002/0088000).

14. In regards to claim 45, Morris states a data packet adapted to be transmitted between two or more computer components that facilitate annotating a media and facilitate the non-linear viewing of the media, the data packet comprising:

a first field that stores a clip identifier that identifies a portion of a media (Figure 2 item 52). The examiner interprets that the header of a data packet is used to identify the that this is a new packet, and the packet contains new information of the media; a second field that stores a metadata key that identifies an annotating metadata associated with the clip identified by the clip identifier (Figure 2 items 60 & 62; paragraph 20 ) [The metadata for the images is preferably stored within the image file 50 in individual image tags 60, each of which store various types of data that correspond and relate to particular captured image data 54.]; and

a third field that stores data associated with the clip identified by the clip identifier (Figure 2 item 54). This is the field where the actual data is stored.

15. In regards to claim 46, Morris states a memory for storing data for access by a computer component, the memory comprising:

a data structure stored in the memory, the data structure holding:

a first field that stores a clip identifier that identifies a portion of a media (Figure 2 item 52). The examiner interprets that the header of a data packet is used to identify the that this is a new packet, and the packet contains new information of the media;

a second field that stores a metadata key that identifies an annotating metadata associated with the clip identified by the dip identifier (Figure 2 items 60 & 62; paragraph 20 )[The metadata for the images is preferably stored within the image file 50 in individual image tags 60, each of which store various types of data that correspond and relate to particular captured image data 54 .]; and

a third field that stores data associated with the clip identified by the clip identifier (Figure 2 item 54). This is the field where the actual data is stored.

16. In regards to claim 47, Morris states data packet adapted to be transmitted between two or more computer components that facilitate the non-linear viewing of a media, the data packet comprising:

a first field that stores a clip identifier that identifies a portion of a media(Figure 2 item 52). The examiner interprets that the header of a data packet is used to identify the that this is a new packet, and the packet contains new information of the media;

a second field that stores a requested user action concerning the portion identified by the clip identifier (Figure 2 items 60 & 62; paragraph 20 )[The metadata for the images is preferably stored within the image file 50 in individual image tags 60, each of which store various types of

data that correspond and relate to particular captured image data 54 .]; and

a third field that stores metadata associated with the portion identified by the clip identifier, where the metadata is employed to adapt one or more clips according to the requested user action(Figure 2 item 54; paragraph 19) [Image data 54 contains actual captured image data, the resolution of which depends on the settings of the camera 14. Image data 54 is typically stored in JPEG format, but may exist in whichever format is appropriate for the current location of image file 50 within the image processing chain of the camera 110 .]. This is the field where the actual data is stored.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

17. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jain et al (U.S. Patent Number 6,567,980) in view of Duncombe et al (U.S. Patent Number 6,813,745).

18. In regards to claim 7, Jain discloses a method for cataloging digital media into a storage device to allow the user to retrieve non-linear clips. This allows the user to quickly search and find digital data.

The difference between the claims and Jain is the claims recite "manually scanning one or more scenes from the set of digitized media; and manually selecting the scene."

Duncombe teaches a media system for storing electrical files that allow the user to enter search descriptions for digital retrieval similar to that of Jain. In addition, Duncombe discloses "manually scanning one or more scenes from the set of digitized media; and manually selecting the scene." (col. 3 lines 13-14) [FIG. 8 is a flow diagram showing the steps taken by a user to select and view a plurality of suitable media clips.]

It would have been obvious to one of ordinary skill in the art, having the teachings of Jain and Duncombe before him at the time the invention was made, to modify the viewing of GUI taught by Jain to include the user to manual search media file of Duncombe, in order to obtain a system that does automatically or manually allows the user to search a digital media storage.

One would have been motivated to make such a combination because it create a dynamic search engine for viewing digital media information would have been obtained, as taught by Duncombe.

19. Claims 15-20, 30-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jain et al (U.S. Patent Number 6,567,980) in view of Duncombe et al (U.S. Patent Number 6,792,573).

20. In regards to claim 15, Jain discloses a method for cataloging digital media into a storage device to allow the user to retrieve non-linear clips. This allows the user to quickly search and find digital data. In addition, Jain teaches a scene retriever that retrieves one or more scenes and one or more pieces of annotating metadata associated with the one or more scenes from a media store (col. 2 lines 10-19) [The cataloger transforms video into a powerful data type that is both compelling and profitable in both Web and client-server environments. Using advanced media analysis algorithms that automatically watch, listen to and read a video stream, the multimedia cataloger intelligently extracts metadata-keyframes, time codes, textual information and an audio profile from the video in real-time.]; and a metadata analyzer that analyzes the one or more pieces of annotating metadata to identify one or more relationships between the one or more pieces of annotating metadata a metadata generator that produces metadata associated with the selected scene and relates the metadata to the selected scene (col. 2 lines 6-9 & col. 2 lines 27-30) [In one aspect of the invention, there is

a media cataloging and media analysis application which performs real-time, or non-real-time, indexing and distribution of video across an enterprise.] [Synchronized encoding and indexing allows users to intelligently navigate through the video by using the index to go directly to the exact point of interest, rather than streaming it from start to finish.]

The difference between the claims and Jain is the claims recite "a playlist generator that evaluates the one or more relationships and produces a playlist of related scenes, one or more viewers for viewing a scene listed in the playlist, one or more feedback receivers for receiving a feedback concerning the viewed scene; and a playlist updater for updating the playlist based, at least in part on the feedback."

Duncombe teaches a system that allows the user to browser through video clips by receiving user feedback, which is similar to that of Jain. In addition, Duncombe teaches a playlist generator that evaluates the one or more relationships and produces a playlist of related scenes (col. 2 lines 34-36) [The method includes the steps of first organizing and formatting a plurality of media clips,], and one or more viewers for viewing a scene listed in the playlist (col. 2 lines 35-36) [and then playing the plurality of media clips based upon input supplied by the user.], and one or more feedback receivers for receiving a feedback concerning the viewed scene (col. 2 lines 50-55) [Once the plurality of suitable media clips have been played, the media system uses a means for soliciting feedback and a means for accepting feedback

from the user, and a means for reselecting the plurality of suitable media clips based upon the feedback of the user. ]; and a playlist updater for updating the playlist based, at least in part on the feedback (col. 2 lines 65-67) [A further objective is to provide a media system that solicits feedback from the user and modifies the media presentation in response to the feedback.] .

It would have been obvious to one of ordinary skill in the art, having the teachings of Jain and Duncombe before him at the time the invention was made, to modify the viewing of GUI taught by Jain to include the user to preference search media file with a feedback control of Duncombe, in order to obtain a system that has the ability to generate a set of digital media clips in condition of user feedback.

One would have been motivated to make such a combination because it create a dynamic search engine for viewing digital media information with feedback would have been obtained, as taught by Duncombe.

21. In regards to claim 16, Jain in view of Duncombe discloses the one or more viewers comprise at least one of, an active device and a passive device (Duncombe, Figure 1 item 90, Figure 2 item 90, Jain, Figure 2) The examiner interprets that the display apparatus is a passive device.

22. In regards to claim 17, Jain in view of Duncombe states the one or more viewers comprise at least one of, an intelligent device and a non-intelligent device (Duncombe Figure 1 item 90, Figure 2 item 90, Jain Figure 2). The examiner interprets that display apparatus is a non-intelligent device.

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23. In regards to claim 18, Jain in view of Duncombe discloses the feedback comprises at least one of, a touch input, a typed input, a mouse input, a voice input and a facial expression input concerning the viewed scene (Duncombe, col. 6 lines 53-60)

[the user 10 is an interface program 73 operably installed to function on a personal computer having a memory 70A and a processor 70B, as shown in FIG. 1. The personal computer 70 is operably connected to a data input mechanism 72, such as a keyboard 72 and a mouse 72A.] .

24. In regards to claim 19, Jain in view of Duncombe states the feedback concerns a current scene and where the feedback comprises at least one of, a command to skip ahead in the playlist, a command to skip back in the playlist, a command to generate a new playlist, a command to find scenes similar to the current scene and a command to play a longer scene related to the current scene (Jain, col. 4 lines 27-30) [A panel 172 displays the live video being digitized, with play, stop, etc. controls that interact remotely with the analog source via a deck controller 240 (FIG. 3).] .

25. In regards to claim 20, Jain in view of Duncombe discloses the playlist updater adds and/or removes a scene from the playlist based on at least one of, a usage data, a feedback command and a time stamp (Duncombe, Figure 2 item 112, or Figure 13).

26. Claims are rejected under 35 U.S.C. 103(a) as being unpatentable over Jain et al (U.S. Patent Number 6,567,980) in view of Duncombe et al (U.S. Patent Number 6,792,573).

27. In regards to claim 30, Jain discloses a method for cataloging digital media into a storage device to allow the user to retrieve non-linear clips. This allows the user to quickly search and find digital data. In addition, Jain teaches an annotating tool that facilitates creating the annotating metadata and associating the annotating metadata with the video segments (col. 8 lines 60-65) [During metadata capture, the user may mark video clips and annotate them. This input 552 is captured by the GUI Input Capture element 550. ].

The difference between the claims and Jain is the claims recite "a media database comprising a playlist and one or more video segments, where the video segments are associated with an annotating metadata"

Duncombe teaches a system that allows the user to browser through video clips by receiving user feedback, which is similar to that of Jain. In addition, Duncombe teaches a media database comprising a playlist and one or more video segments, where the video segments are associated with an annotating metadata (col. 2 lines 34-36 & Figure 3B) [The method includes the steps of first organizing and formatting a plurality of media clips,].

It would have been obvious to one of ordinary skill in the art, having the teachings of Jain and Duncombe before him at the time the invention was made, to modify the viewing of GUI taught by Jain to include the database to create a play list of media files of Duncombe, in order to obtain a system that has the functionality of querying a database to retrieve digital media segments by user preference, and allow the user to record description information of the digital media.

One would have been motivated to make such a combination because it create a dynamic search engine for viewing and organizing digital media information would have been obtained, as taught by Duncombe.

28. In regards to claim 31, Jain in view of Duncombe discloses the annotating metadata comprises at least one of, a date identifier, a time identifier, a videographer identifier, a face identifier, an item identifier, a voice identifier, a mood identifier and a theme identifier (col. 2 lines 16-20) [Using advanced media analysis algorithms that automatically watch, listen to and read a video stream, the multimedia cataloger intelligently extracts metadata-keyframes, time codes, textual information and an audio profile from the video in real-time.].

29. In regards to claim 32, Jain in view of Duncombe states the annotating tool generates the annotating metadata in response to a user input (Duncombe, col. 2 lines 35-38) [The method includes the steps of first organizing and formatting a plurality of media clips, and then playing the plurality of media clips based upon input supplied by the user.] .

30. In regards to claim 33, Jain in view of Duncombe discloses the annotating tool automatically generates the annotating metadata based, at least in part, on a face recognition, an item recognition data, a voice recognition data, a mood data and a theme data (Jain, col. 6 lines 56-60) [Likewise, the remaining metadata tracks (Audio Classes 324, Speech 326, Speaker ID 328, Keywords

330) are each a parcel of metadata spanning a time period, and are extracted by their corresponding feature extractor shown in FIG. 9.].

31. In regards to claim 34, Jain in view of Duncombe discloses the annotating tool is adapted based on a machine learning technique based, at least in part, on a user input concerning the annotating metadata generated by the annotating tool (Duncombe, Figure 8A, Figure 3).

32. In regards to claim 35, Jain discloses a method for cataloging digital media into a storage device to allow the user to retrieve non-linear clips. This allows the user to quickly search and find digital data. In addition, Jain teaches a media data store comprising one or more metadata annotated, displayable items (Figure 2 item 178); a presenter that presents a selected first displayable item from the media data store (col. 4 lines 25-30) [Keyframes extracted during the capture process are displayed in a panel 176, while the corresponding close-caption text and timecodes are displayed in a panel 178].

The difference between the claims and Jain is the claims recite "a selector that selects a second displayable item from the media data store based, at least in part, on a relationship between a first metadata associated with the first displayed item and a second metadata associated with the second displayable item."

Duncombe teaches a system that allows the user to browser through video clips by receiving user feedback, which is similar to that of Jain. In addition, Duncombe teaches a selector that selects a second displayable item from the media data store

based, at least in part, on a relationship between a first metadata associated with the first displayed item and a second metadata associated with the second displayable item (col. 2 lines 65-67) [A further objective is to provide a media system that solicits feedback from the user and modifies the media presentation in response to the feedback.]. The examiner interprets the system takes the first parameter by the user, and then takes the second parameter, which is the feedback, to display a second metadata associated with the second parameter.

It would have been obvious to one of ordinary skill in the art, having the teachings of Jain and Duncombe before him at the time the invention was made, to modify the viewing of GUI taught by Jain to include the user to manual search media file of Duncombe, in order to obtain a system that has the functionality of querying a database to retrieve digital media segments by user preference, and allow the user to record description information of the digital media.

One would have been motivated to make such a combination because it create a dynamic search engine for viewing digital media information would have been obtained, as taught by Duncombe.

33. In regards to claim 36, Jain in view of Duncombe states the media data store is at least one of a database, a data cube, a list, an array, a tree and a file (Jain, col. 3 lines 60-67) [Metadata Server 130: may be as simple as a file system containing hypertext markup language (HTML) files, or as complex

as a relational database supporting a client-server application environment for media management. ].

34. In regards to claim 37, Jain in view of Duncombe discloses the presenter is at least one of an intelligent display and a non-intelligent display (Duncombe Figure 1 item 90, Figure 2 item 90, Jain Figure 2). The examiner interprets that display apparatus is a non-intelligent device.

35. In regards to claim 38, Jain in view of Duncombe discloses the presenter is at least one of an active display and a passive display (Duncombe, Figure 1 item 90, Figure 2 item 90, Jain, Figure 2) The examiner interprets that the display apparatus is a passive device.

36. In regards to claim 39, Jain in view of Duncombe states the selector selects a second displayable item based, at least in part, in response to a user response to the first displayable item (col. 3 lines 43-45) [FIG. 7 is a flow diagram illustrating the steps used to solicit, receive, and use feedback from the user to reselect the plurality of media clips;].

37. In regards to claim 40, Jain in view of Duncombe discloses the user response is at least one of, a spoken word, a keystroke, a mouse click, and a facial expression (Duncombe, col. 6 lines 53-60) [the user 10 is an interface program 73 operably installed to function on a personal computer having a memory 70A and a processor 70B, as shown in FIG. 1. The personal computer 70 is operably connected to a data input mechanism 72, such as a keyboard 72 and a mouse 72A.].

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to O'Neal R Mistry whose telephone number is (571) 272-4052. The examiner can normally be reached on 9am - 6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W Cabeca can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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